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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,476	03/20/2002	Shinya Hirota	112340	2940

7590 05/13/2004

Oliff & Berride  
P O Box 19928  
Alexandria, VA 22320

EXAMINER

NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/088,476

Applicant(s)

HIROTA ET AL.

Examiner

Tu M. Nguyen

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see ATTACHMENT.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 8-15.Claim(s) objected to: 20.Claim(s) rejected: 2-7, 16-19 and 21.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The drawing correction filed on 20 May 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 32204.
10. ☐ Other: \_\_\_\_\_

Tu M. Nguyen  
5/31/2004

## ATTACHMENT

1. An Applicant's Request for Reconsideration filed on April 7, 2004 has been received and carefully considered. Overall, claims 2-21 are pending in the application.

### *Response to Arguments*

2. Applicant's arguments with respect to the references applied in the previous Office Action have been fully considered but they are not persuasive.

In response to applicant's argument that Tokuda et al. fail to disclose a) burning or oxidation of the particulates; and b) means for judging if the particulate filter will be deteriorated by heat derived by heat derived from oxidation of the particulates (pages 2-4 of Applicant's Amendment), the examiner respectfully disagrees.

Regarding a), Tokuda et al. mention the phrase "burning up carbon components captured in the filter" or "burnup operation of carbon components" throughout the text of the patent (see for example, the Abstract and lines 1-2 of column 6). The phrase "burning" is a non-technical term for "oxidation"; and "carbon components" are a compound or component defined in the phrase "particulates". Therefore, Tokuda et al. clearly disclose "burning or oxidation of the particulates".

Regarding b), as discussed in the Final Rejection mailed on December 16, 2003, Tokuda et al. utilize temperature sensors (13, 14) located upstream and within the particulate filter, respectively, as the means for measuring a temperature increase from an inlet to the center of the

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filter in order to judge if the particulate filter will be deteriorated by heat derived from the oxidation of the particulates. As indicated on lines 29-36 of column 2, Tokuda et al. attempt to keep the temperature of the filter from rising to 500°C or more within 30 seconds or so to prevent cracking in the filter, which causes the filter not to function properly. Thus, Tokuda et al. clearly disclose “means (temperature sensors (13, 14) for judging if the particulate filter will be deteriorated by heat derived by heat derived from oxidation of the particulates”.

***Prior Art***

3. The IDS (PTO-1449) filed on March 22, 2004 has been considered. An initialized copy is attached hereto.

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*Communication*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tu Nguyen whose telephone number is (703) 308-2833.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas E. Denion, can be reached on (703) 308-2623. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

*Tu M. Nguyen*

TMN

Tu M. Nguyen

May 3, 2004

Patent Examiner

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